



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/848,871

05/04/2001

Abed Mohd Jaber

064731.0169

8371

7590

08/24/2005

Terry J. Stalford, Esq.  
Baker Botts L.L.P.  
Suite 600  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/848,871

Applicant(s)

JABER ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments filed May 9, 2005 have been fully considered but they are not persuasive.

1. Applicant argued that Derby in view of Ahmed, Milton and Ozveren does not disclose intra RTP connections having a higher speed than inter RTP connections. However, Derby in view of Ahmed and Milton discloses internal switch connections and external switch connections (intra RTP connections and inter RTP connections). Ozveren discloses internal switching speeds that are greater than external line speeds (col. 6, lines 14-20). Therefore, the combination of Derby in view of Ahmed, Milton and Ozveren discloses intra RTP connections having a higher rate than inter RTP connections in order to internally accommodate data from external connections.

2. Applicant argued that Derby in view of Ahmed, Milton and Ozveren does not provide motivation for a combination to provide interfacing a WDM system. However, Milton discloses various benefits of providing an optical network as the basis for the invention (col. 1, lines 8-20; col. 2, lines 23-25).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-4, 6, 9, 11-14, 17, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derby et al. (US 5,483,522) in view of Ahmed et al. (US 5,432,783), Milton et al. (US 6,529,300) and Ozveren et al. (US 6,046,982).

Art Unit: 2666

3. Regarding claims 1, 4, 9, 12-13, 17 and 20, Derby discloses a method of providing an internal topology of a node within a network (Figure 6; col. 5, lines 56-67) comprising determining intranode connectivity between RTPs (fig. 6, subnodes) in a network node (col. 8, lines 20-26; Table 1 of col. 10) where each RTP has intra RTP connections between internal components (fig. 2, item 23; col. 5, lines 40-45), distributing a model of the node to other nodes (col. 5, lines 62-67), and using the model in determining a routing path (col. 5, lines 56-58).
4. However, Derby does not disclose the connections between the traffic bearing components as asymmetric. Ahmed discloses connections among switching entities that are bi-directional and asymmetric (col. 2, lines 5-8). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have asymmetric connections between traffic bearing components in the invention of Derby in order to accommodate a larger capacity demand in one direction.
5. Further, Derby in view of Ahmed does not disclose that internal RTP components (Derby, fig. 2, item 14-20 and 24-26) provide a connection to a WDM system. Milton discloses interconnected nodes of a WDM network (fig. 1 and fig. 3, items 14 and 15), where the nodes have internal interfaces (items 14) to the WDM system (items 2 and 3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide an interface to a WDM system in the invention of Derby in view of Ahmed in order to provide network connectivity using a well-known and widely used protocol for efficiently transmitting data.
6. Further, Derby in view of Ahmed and Milton does not specifically disclose the internal links (Derby, fig. 2, item 23) are at a higher speed than the internodal links. Ozveren discloses a switch (figs. 1 and 2) that operates at a higher speed than external links (col. 6, lines 14-20). Therefore, it would have been obvious to one skilled in the art at the time the invention was

Art Unit: 2666

made to have a higher speed internal link in the invention of Derby in view of Ahmed and Milton in order to accommodate an aggregate amount of data arriving from several external links.

7. Regarding claim 3, 6, 11, 14, 19 and 22, in Derby each RTP has interfaces to external and private nodes (fig. 2, items 20-22) that have a lower speed as noted in the above paragraph.

Claims 5, 7-8, 13, 15-16, 21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derby in view of Ahmed, Milton and Ozveren as applied to claims 1, 9 or 17 above, and further in view of Le Boudec et al. (US 6,016,306).

8. Regarding claims 5, 7-8, 13, 15-16, 21 and 23-24, Derby in view of Ahmed, Milton and Ozveren does not disclose assigning weights for the connections. However, Le Boudec discloses assigning links based on cost, bandwidth or delay (col. 1, lines 39-52 and 56-62) and using an Open Shortest Path First weighted routing determination to find a best path using opaque LSAs. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to assign appropriate weights to the connections in the invention of Derby in view of Ahmed, Milton and Ozveren as evidenced by Le Boudec in order to provide optimal routing within the network.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2666

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

August 22, 2005



HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600